



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200175036
(Modification)

Date: January 24, 2007

Comments Due: February 19, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to **modify and expand gravel operations at the previously permitted Mamm Creek Sand & Gravel Mine project**, which would result in new impacts to approximately 4.8 acres of waters of the United States, including wetlands, in or adjacent to the Colorado River at the Northbank Site (a.k.a. North Bank Resources property). This notice is to inform interested parties of the proposed activity and permit modification and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This permit modification application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: LaFarge North America, Incorporated
Attn: Ms. Meg McNulty
10170 Church Ranch Way, Suite 200
Westminster, Colorado
(303) 657-4148

AGENT: ARCADIS-Greystone Environmental Consultants
Attn: Mr. Paul Avant
630 Plaza Drive, Suite 100
Highlands Ranch, Colorado
(720) 344-3500

LOCATION: The project site is located directly north of the existing Mamm Creek Gravel Pit and the Colorado River, east of the City of Rifle, Colorado within Section 12, Township 6 South, Range 93 West, Garfield County, Colorado, and can be seen on the Rifle USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to mine the aggregate resources on 76.5 acres of the 239-acre Northbank parcel. Mining at the North Bank Resources project area will be by conventional open pit methods employing scrapers, front-end loaders, track hoe, trucks and if necessary, farm implements for reseeded and reclamation. The planned operation will consist of dry mining the gravel by initially constructing a dewatering ditch around the perimeter of each of the mining cells. No explosives will be needed to extract the sand and gravel resources. The operation will produce natural sand and gravel and crushed stone, which will be used in normal construction activities such as road base, pipe bedding and asphalt and concrete production. No other commodities will be produced as a result of the planned mining operation.

Two mining cells, A and B are proposed for mining over an estimated 9-year period. Gravel processing and crushing will occur at the Northbank Site. From the primary crusher (at the Northbank Site) sand and gravel will travel by conveyor across the Colorado River to the Mamm Creek pit for processing and sale.

Based on the available information, the overall project purpose is to mine sand and gravel reserves available at the project site. The applicant believes there is a need to mine sand and gravel at this site based upon market demands. An estimated average of 450,000 tons per year of aggregate is proposed for mining at the site. The expected operational life is approximately 12 years. This allows for approximately 9 years of production and 3 years for release of the reclaimed site.

As illustrated on Figure 2, mining will occur on the lower terrace approximately 10 feet inside of the break in slope between the upper and lower terraces. This 10-foot buffer will allow access around the entire perimeter of the proposed pit lake and mining area and also provide a margin of safety should any of the overburden from the upper terrace migrate down slope. On the Colorado River side of the proposed pit, a 100-foot setback from the river's north bank will be observed for the pit limit in order to ensure the during high water events, the river does not attempt to capture the pit. An access road, overland conveyor routing and temporary placement of overburden stockpiles will occur within the 100-foot buffer. In order to ensure that no material enters the river system, a vegetated berm or equivalent temporary measures will be constructed and maintained along this side of the operation.

On the eastern end of Cell A and the western end of Cell B, where a gas well and pipeline are anticipated to situated, a buffer of 15-feet on each side of a centerline of the access road or a 30-foot buffer will be observed. However, should mining commence prior to the construction of the gas well and pipeline, the areas between Cells A and B will be mined to recover the sand and gravel and rebuilt with overburden and pit run to accommodate the gas well and pipeline.

Material will be excavated from two distinct pits; Cell A and Cell B. Cell A occupies approximately 47 acres and Cell B, 31 acres. The proposed operation will start at the western end of cell A and completely mine it out prior to mining of Cell B.

The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 4.8 acres of waters of the United States, including 4.3 acres of palustrine emergent persistent wetlands and 0.3 acre of riverine waters within the mining Cells A and B and the conveyor alignment corridor. There are waters of the United States, including wetlands present within the Northbank Permit boundary but outside of Cells A and B and the corridor. There are also additional waters of the United States, including wetlands within the property boundaries but located outside the Northbank permit boundary that are not proposed for impact. Only the 4.8 acres of waters of the U.S. would be impacted by excavation and fill activities. The site is characterized by historical activities related to ranching.

Conveyor System. Excavated material will be transported by conveyor belt across the Colorado River from the Northbank Site pits to the Mamm Creek processing facility for processing and shipping (Figure 3a). The conveyor is comprised of an endless belt that traverses between multiple pulley supported by idler rolls. The conveyor will be elevated such that the bottom of the structure varies from 2.5 to 9.5-feet above the ground surface and 9 to 11-feet above the average surface water elevation of the Colorado River [average surface water elevation at the two south crossings is 5,335.5 above mean sea level (amsl) and the northern crossing at 5,338.9 amsl). A catch screen system will also be constructed underneath the conveyor at transfer points to catch any fugitive material. The catch screens will be maintained and routinely cleaned. The conveyor ground supports are constructed of angle iron and steel tubing resting upon 4-feet by 8-feet concrete footings constructed below grade. They will be spaced 50 to 75-feet apart as shown in Figures 3b-3d. A 40-foot wide construction access corridor will be located adjacent to the conveyor. No disturbance is anticipated outside the construction corridor. The applicant has not disclosed any type of disturbance within the proposed corridor.

Access to the conveyor will be by elevated catwalk located adjacent and attached to the conveyor. Excavated material will be loaded onto the conveyor by way of a front-end loader where it will be transported to a pile located at the existing Mamm Creek Sand & Gravel operation. Once there it will be crushed, screened and prepared for shipping.

The conveyor will cross the Colorado River at three points. The south crossing will be constructed by conventional truss methods. The middle crossing will require a 250-foot suspension bridge as shown in Figure 3a. The north crossing will require a 150-foot suspension bridge also shown on Figure 3a. Two concrete bridge abutments (10-feet wide by 10-feet long by 6-feet deep), one on each end, will be excavated into the river bank. Concrete pumper trucks will be used to convey the concrete across the Colorado River. The applicant is proposing best management practices such as weekly visual inspections and routine maintenance will be used to reduce the potential of material falling into the Colorado River. Additionally, water sprayers will be used for dust suppression, as necessary.

Dewatering. Dewatering will be accomplished by using a dewatering pump that will be located as mining progresses between cells. Based upon the current Mamm Creek operations, the dewatering rate is expected to be on the order of 250 gallons per/minute (gpm) when the dewatering pumps are active. In order to allow for the seasonal variations in water inflow, a 1,000 gpm pump will be used. Dewatering water will be discharged according to an approved plan into existing sloughs in order to return the water to the Colorado River system. Lafarge is currently seeking discharge permits from the Colorado Department of Public Health and Environment.

Alternatives. The applicant has provided some information concerning project alternatives, including a no-build alternative and an alternative mining plan which avoids impacts to all waters of the United States, including wetlands. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to create 4.8 acres of palustrine emergent wetlands. Three potential areas were considered by the applicant. Areas 1 and 2 were evaluated at the Northbank Site, Area 3 was evaluated at the far west end of the Mamm Creek Sand & Gravel Site (Figure 1, Mitigation Site Alternatives).

Area 1 is the upland terraces situated immediately north of the Northbank cells A and B. The applicant has determined that Area 1 would not likely be an effective mitigation site because; 1) there is limited space to construct 4.8 acres of emergent wetland, 2) a significant amount of excavation would be required, 3) the site is constrained by active natural gas operations, and 4) the availability of an adequate water supply is questionable for this area.

Area 2 is immediately southeast of the proposed Mine Cell B at the Northbank Site. This area is near the Colorado River and is lower in elevation than the first area considered. This site offers some upland areas that could be converted to wetlands, using the Colorado River and its associated alluvial groundwater as a source to supply the mitigation wetlands. However, the applicant states that this area exists almost entirely as wetland/riparian area with not enough upland acreage for complete mitigation compensation.

Area 3 is not located at the Northbank Site but is part of the applicant's overall operations at the Mamm Creek Sand & Gravel Site. Area 3 is the applicant's preferred location and exhibits the highest potential for successful mitigation. The area is located approximately one-mile west of the Northbank Site within Cell 4 of the Mamm Creek Site.

However, the Corps has recently reinitiated consultation with the U.S. Fish and Wildlife Service, under Section 7 of the Endangered Species Act for effects to the bald eagle, Haliaeetus leucocephalus at the Mamm Creek Site. The applicant has volunteered certain activity related limits coupled with pre-existing permit related riparian corridor restoration activities at Cell 4. Therefore, the Corps is still evaluating appropriate mitigation sequencing protocols for the impacted waters of the United States, including wetlands at the Northbank Site. Compensatory mitigation shall replace the functions and values of the palustrine and riverine wetlands impacted at the Northbank Site.

Compliance with Existing Department of the Army Permit at Mamm Creek Site. The Corps is completing a compliance inspection for the all General and Special condition requirements. The applicant shall be in full compliance with the existing Department of the Army (DA) permit conditions prior to any permit modification decision(s) detailed in this Public Notice.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the is required for this project and modification to DA permit 200175036 at the Northbank Site. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information, cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: After review of information submitted by the applicant, the project may affect the four endangered fish species; Colorado pikeminnow, Ptychocheilus lucius, Bonytail chub, Gila elegans, Humpback chub, Gila cypha, and Razorback sucker, Xyrauchen texanus, and their critical habitat, protected by the Endangered Species Act (ESA). Project affects are identified as water depletions from mining cell conversions into open waters and on-site mining activities (i.e., dust control and truck washing). The Corps of Engineers will consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the ESA.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200175036 (modification), must be submitted to the office listed below on or before February 19, 2007:

Mark Gilfillan, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Mark.A.Gilfillan@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted.

If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. Mark Gilfillan, 970-243-1199, extension 15, Mark.A.Gilfillan@usace.army.mil.

Attachments: 9 drawings